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10 UNITED STATES DISTRICT COURT  
11 EASTERN DISTRICT OF WASHINGTON  
12 The Honorable Salvador Mendoza, Jr.

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 JAMES DEAN CLOUD,

17 Defendant.

18 Case No. 1:19-CR-2032-SMJ-1

19 BENCH BRIEF: USING LEADING  
20 QUESTIONS WITH AGENT TROY RIBAIL  
21 AND AGENT JENNIFER TERAMI DURING  
DIRECT EXAMINATION

James Cloud will call FBI Agents Troy Ribail and Jennifer Terami during his case in chief. Agent Ribail is employed by the Government and has sat at the Government counsel table throughout the trial. Agent Terami is employed by the

BENCH BRIEF: LEADING QUESTIONS - 1

1 Government and has been present in the gallery throughout the trial. Agents Ribail  
2 and Terami, and others reporting to them, collected evidence against James Cloud.  
3 They interviewed many of the witnesses including M.J. and N.J. Agent Ribail testified  
4 four times before the grand jury requesting indictments against Mr. Cloud.

5 Agents Ribail and Terami are adverse witnesses. Federal Rule Evidence 611  
6 states courts “should allow” leading questions “when a party calls a hostile witness, an  
7 adverse party, or a witness identified with an adverse party.” Fed. R. Evid. 611(c)(2)  
8 (2022). Rule 611 does more than simply recognize courts “should allow” leading  
9 questions when dealing with adverse witnesses; the rule makes it procedurally easier to  
10 employ leading questions at the outset by removing the need to first show the witness  
11 is hostile. See, e.g., *Ellis v. Chicago*, 667 F.2d 606, 612-13 (7th Cir. 1981) (“The new  
12 [Rule 611] was thus designed to enlarge the categories of witnesses automatically  
13 regarded as adverse, and therefore subject to interrogation by leading questions  
14 without further showing of actual hostility.”).

15 Because Agent Ribail is employed by the Government and is the lead law  
16 enforcement officer on the case against Mr. Cloud, he qualifies as an adverse witness.  
17 In addition, because Agent Terami is employed by the Government and has been  
18 integrally involved on the case against Mr. Cloud, she also qualifies as an adverse  
19 witness. As such, James Cloud respectfully asks the Court to allow leading questions,

1 as Rule 611 encourages during the direct examinations of Agents Ribail and Terami in  
2 his case in chief.

3 Dated: March 4, 2022.

4 */s/Lorinda Meier Youngcourt*  
5 Lorinda Meier Youngcourt

6 **Certificate of Service**

7 I certify that on March 4, 2022, I electronically filed the foregoing with the  
8 Clerk of the Court using the CM/ECF System, which will notify all counsel or record.  
9 Further, I provided a hard copy to all counsel in open court.

10 */s/Lorinda Meier Youngcourt*  
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